

## **REMARKS/ARGUMENTS**

Claims 1-24 remain in the Application. No claims were amended, added, or cancelled by this Special Amendment after Final Office Action.

Applicants wish to thank Examiner Nguyen for participating in a phone conference call on Monday, October 1, 2007. The subject matter of discussion was that the *DeWitt* reference is a co-pending, commonly owned Application that was filed five (5) months prior to the present Application. Therefore, Applicants submit that the *DeWitt* reference was disqualified as a 103(a) reference. Examiner Nguyen advised Applicants to file an amendment, designated as a Special Amendment, which addresses only this issue and Examiner would then consider the argument.

Thus, the present Response to Final Office Action and remarks are directed only to addressing the disqualification of *DeWitt* as a valid 103(a) prior art reference. Applicants wish to make it clear that Applicants are not changing or abandoning their position as presented in the Response to Office Action filed May 8, 2007, which is incorporated herein, in whole, by reference. Applicants still maintain that the *DeWitt* reference does not anticipate the present invention and that the combination of *DeWitt* in view of *Lewis* does not render the present invention obvious.

### **I. 35 U.S.C. § 103, Obviousness**

Claims 2-5, 11-14, and 20-24 stand rejected under 35 U.S.C. § 103(a) as being obvious either in view of *DeWitt, Jr. et al.*, Method and Apparatus for Counting Execution of Specific Instructions and accesses to Specific Data Locations, U.S. Patent Publication No. 2005/0071817, March 31, 2005 (hereinafter “*DeWitt*”) alone, claims 2, 5, 11, 14, 15, 20, 23, and 24; in view of the combination of *DeWitt* in view of *Lewis et al.*, Methods and Systems for Developing Data Flow Programs, U.S. Patent Publication No. 2002/0157086, October 24, 2002 (hereinafter “*Lewis*”), claims 3, 4, 12, 13, 21, and 22.

Applicants submit that the *DeWitt* reference, *DeWitt, Jr. et al.*, Method and Apparatus for Counting Execution of Specific Instructions and accesses to Specific Data Locations, U.S. Patent Publication No. 2005/0071817, March 31, 2005 and the presently claimed invention were, at the time the present invention was made, commonly owned by the IBM Corporation. Therefore, *DeWitt* is disqualified as prior art for 35 U.S.C. § 103(a) rejections.

Therefore, the rejection of claims 2-5, 11-14, and 20-24 under 35 U.S.C. § 103 has been overcome.

**II. Conclusion**

It is respectfully urged that claims 2-5, 11-14, and 20-24 are now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: October 3, 2007

Respectfully submitted,

/Gerald H. Glanzman/

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